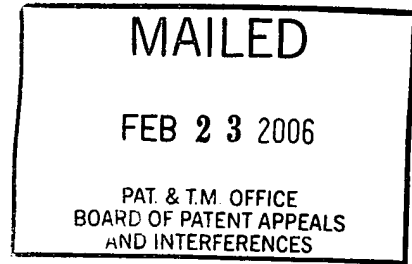


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte TIMOTHY M. KEISER and MICHAEL R. BURNS

Application No. 09/382,907

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On May 14, 2004 and June 3, 2004, appellants filed Information Disclosure Statements. It is not clear from the record whether the examiner considered the statement(s) submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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Also, an incorrect Serial No. 09/465,607 was entered in the upper left corners of the appeal brief and reply brief filed on March 29, 2004 and August 25, 2004, respectively (see additional pages following page 1). The appropriate Serial No. needs to be provided before further review of this appeal. Appropriate correction is required.


Accordingly, it is

ORDERED that this application be returned to the examiner to: 1) consider the Information Disclosure Statements stated above; 2) provide appropriate notification by the examiner to appellants of such consideration; 3) request appellants to provide correction to the Serial No. in the appeal brief and the reply brief; and 4) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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